

## UNITED STATES DISTRICT COURT

for the  
District of New MexicoFILED  
At Albuquerque NM

AUG 11 2016

MATTHEW J. DYKMAN  
CLERKIn the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Case No. 16-MR-582

2016 Black Mazda Displaying New Mexico NYH577  
VIN JM3KE2CY0G0630920

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the \_\_\_\_\_ District of New Mexico, there is now concealed  
(identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841(a)(1), 21 USC 881	Possession of a Controlled Substance and Forfeiture

The application is based on these facts:

See Attached Affidavit in Support of Search Warrant

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

G. Maestas  
Applicant's signature

Special Agent Gerald P. Maestas

Printed name and title

Sworn to before me and signed in my presence.

Date: 08-11-2016City and state: Albuquerque, NM

Steven C. Yarbrough  
Judge's signature

US Magistrate Judge Steven C. Yarbrough

Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION**

I, Gerald P. Maestas, being duly sworn, hereby depose, and state as follows:

I am a Special Agent of the Drug Enforcement Administration (DEA). I have been so employed since August 2000. Prior to my employment with the DEA, I was a Police Officer for eleven years. By virtue of my employment with the DEA, I am authorized to conduct investigations of violations of the Controlled Substances Act. Over the course of my twenty-six years in law enforcement, I have conducted a variety of investigations into violations ranging from simple possession of narcotics to complex international conspiracies. I have also participated in and/or executed many search warrants. I am currently assigned to Enforcement Group I of the Albuquerque District Office.

This affidavit is offered in support of an application seeking authorization to conduct a search for contraband contained in a black Mazda CX-5 SUV displaying New Mexico license plate NYH577 (hereinafter referred to as the SUBJECT PROPERTY). It is my belief that the SUBJECT PROPERTY currently contains evidence of violations of Title 21 United States Code, Section 841(a) (1), the manufacture, distribution and possession with intent to distribute a controlled substance; and Title 21 United States Code, Section 881, Forfeitures. Because this affidavit is being submitted for the limited purpose of obtaining a search warrant, I have not included each and every fact known to me concerning this investigation. The SUBJECT PROPERTY is currently located at the DEA Albuquerque District Office, 2660 Fritts Crossing SE, Albuquerque, New Mexico.

I make this affidavit based upon my own personal knowledge as well as that of fellow agents and officers who have participated in this investigation. In particular, I have relied on the

experience and assistance of Special Agent Matthew Zastrow of the Denver Field Division and Task Force Officer Jason Franklin of the Albuquerque District Office.

### **BACKGROUND OF THE INVESTIGATION**

On August 10, 2016, Special Agent (SA) Gerald Maestas and other agents of the Albuquerque District Office assisted the DEA Denver Field Division with an investigation in the Albuquerque area. Based on the Denver Field Division investigation, which included ongoing court-authorized State of Colorado wiretaps, tracker warrant information, and surveillance, Denver Field Division agents learned that two subjects of their investigation, Rocco DIPENTINO, Jr., and Rocco DIPENTINO, Sr., were residing in the Albuquerque area at 6825 Derickson Ave. NE, Albuquerque, New Mexico. According to DEA SA Zastrow, DIPENTINO, Jr. was identified as a courier for a Drug Trafficking Organization transporting multi-kilogram quantities of cocaine from the Republic of Mexico to El Paso, Texas and ultimately to Denver, Colorado. According to Special Agent Zastrow, their investigation showed DIPENTINO, Jr. had on numerous occasions transported controlled substances, specifically cocaine, from El Paso, Texas to Denver, Colorado. According to Special Agent Zastrow, their investigation showed DIPENTINO, Jr. has on numerous occasions transported United States Currency from Denver, Colorado to El Paso, Texas. Agents also learned based on intercepted communications that a black Mazda CX-5 displaying New Mexico license plate NYH577 (the SUBJECT PROPERTY) contained a hidden compartment and was one of the vehicles used by DIPENTINO, Jr. to transport the controlled substances and the United States Currency.

DIPENTINO, Jr. had an outstanding warrant for his arrest issued by the Denver District Court on charges including Conspiracy, Conspiracy to Distribute Cocaine, and Possession with Intent to Distribute Cocaine related to the Denver Division investigation. The warrant was

issued on August 4, 2016 and agents confirmed that the warrant was still active on August 10, 2016.

At approximately 11:30 a.m. on August 10, 2016, Special Agent Maestas and Special Agent Zastrow contacted DIPENTINO, Jr. at his residence located at 6825 Derickson Ave. and, after confirming his identity, placed DIPENTINO under arrest for the outstanding Colorado warrant. Special Agent Maestas asked for and received consent to search DIPENTINO's residence, outbuildings, and vehicles. DIPENTINO, Jr. agreed and signed a Consent to Search Form to that effect. DIPENTINO advised he was the owner of the black Mazda CX-5 and the vehicle had recently been given the vehicle by his father.

Task Force Officer (TFO) Franklin deployed his certified narcotic detection K-9 "Angel" on the outbuilding and the vehicles parked at the residence. According to TFO Franklin, the K-9 alerted to the presence of a controlled substance within the passenger compartment of the Mazda, specifically to the center console area. TFO Franklin's canine is certified to detect the odors of methamphetamine, heroin, cocaine and marijuana and was last certified on April 20, 2016.

Based on the belief that the SUBJECT PROPERTY is equipped with a hidden compartment, agents towed the vehicle to the Albuquerque District Office where, pending acquisition of a search warrant, a more thorough search of the vehicle could be conducted.

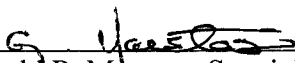
According to Detective J. Matzke of the North Metro Drug Task Force in Denver, Colorado, Jesus LOZANO-Sanchez, a subject of the Denver investigation, during a post-arrest interview earlier this date, advised Detective Matzke that DIPENTINO, Jr. has transported cocaine and United States Currency on his behalf on three occasions. According to Detective Matzke, LOZANO-Sanchez advised that, as recently as Saturday, August 6, 2016, DIPENTINO,

Jr. transported \$270,000 in United States Currency from Denver, Colorado on his behalf in the black Mazda CX-5. LOZANO-Sanchez further advised that the Mazda CX-5 had a hidden compartment and provided agents with instructions on where to locate the compartment and how to access the compartment.

Based on the above facts, your Affiant believes that the SUBJECT PROPERTY currently contains controlled substances or the proceeds from the sale of controlled substances.

Wherefore, your Affiant respectfully requests that a search warrant be issued authorizing the search for the items outlined above.

This search warrant and supporting affidavit were approved by Assistant United States Attorney Shana Long.

  
\_\_\_\_\_  
Gerald P. Maestas, Special Agent  
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,

| August 11, 2016 at Albuquerque, New Mexico

  
\_\_\_\_\_  
Steven C. Yarbrough, United States Magistrate Judge



**ATTACHMENT A**

1. Black 2016 Mazda CX-5 SUV displaying New Mexico license plate NYH577, VIN:  
JM3KE2CY0G0630920.



*8-11*

Attachment B

1. Controlled substances, as defined in 21 U.S.C. § 812;
2. Books, records, receipts, notes, ledgers, designated codes and other papers relating to the transportation, ordering, purchase and distribution of controlled substances;
3. Papers, tickets, notes, schedules, receipts and other items relating to foreign and domestic travel by Rocco DIPENTINO, Jr., Rocco DIPENTNO, Sr., and other co-conspirators, hereinafter referred to as "the SUBJECTS";
4. United States currency, precious metals, precious stones, jewelry, and financial instruments, including stocks and bonds;
5. Photographs and videos, in any medium, of the SUBJECTS, assets, and/or depicting unlawful controlled substances;
6. Notes, records, diaries, journals and papers referencing any interest the SUBJECTS may have in any business entities;
7. Sales receipts for items evidencing the expenditure of currency and/or currency equivalents;
8. Paraphernalia for packaging, weighing and distributing unlawful controlled substances, including but not limited to scales, plastic bags, plastic wrap, packing tape, electrical tape, duct tape, and vacuum-sealing equipment;
9. In any medium, including electronic medium, documents, books and papers reflecting names, addresses and/or telephone numbers pertaining to but not limited to the SUBJECTS listed above;
10. In any medium, including electronic medium, books, records, receipts, notes, ledgers, invoices, bank records, diaries, purchase records, cash receipts and disbursements journals, inventory records and other records relating to the sales, repackaging, and redistribution of controlled substances;
11. In any medium, including electronic medium, records, journals, promissory notes, receipts, and other documents reflecting loans and loan repayment by and between any Financial Institution and the SUBJECTS and entities listed above; all of which are fruits, evidence and instruments of crimes against the United States Government;

A handwritten signature in black ink, appearing to be "SCY", is located in the bottom right corner of the page.

12. In any medium, including electronic medium, receipts, records, and documents indicating ownership, association, and utilization of vehicles by the SUBJECTS and others, to include maintenance and improvements to the vehicles.

*Bay*